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2 CAMERON DESMOND
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6 Attorneys for Plaintiff
United States of America
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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13 v.
14 ARMANDO CHRISTOPHER TABAREZ,
15 Defendant.

CASE NO. 2:94-CR-320 JAM

AMENDED STIPULATION AND ORDER
ALLOWING DEFENDANT'S APPEARANCE ON
STATE OF CALIFORNIA WRIT OF HABEAS
CORPUS AD PROSEQUENDUM

16 On February 24, 2016, the Sacramento County Superior Court signed a Writ of Habeas Corpus
17 Ad Prosequendum, attached Hereto as Exhibit A, requesting that the body of the above-named defendant
18 be produced in Sacramento County Superior Court for proceedings in the case of People v. Armando
19 Tabarez, No. 15F05621.¹ Pursuant to that Writ, the defendant is to be transferred to state custody so that
20 he may appear for arraignment and initiation of his state-court charges for Assault with a Deadly
21 Weapon, to wit, a loaded handgun, in violation of California Penal Code Section 245(a)(2).²

22 The United States of America, by and through its attorney of record, Cameron Desmond, the
23 defendant, Armando Tabarez, both individually and by and through his attorney of record, John E.
24 Virga, and U.S. Probation Officer Gary White hereby stipulate that they do not oppose execution of the
25

26 ¹ The Government received a copy of this writ from the Sacramento County DA on October 14,
27 2016.

28 ² The defendant's personal appearance in the Superior Court is necessary to commence
proceeding with his state-court case.

1 Writ entered by the Sacramento Superior Court. The parties agree and stipulate that the status
2 conference previously calendared for October 25, 2016 in the defendant's federal proceeding may be
3 continued to December 6, 2016. All parties agree and stipulate that the officers of the Sacramento
4 County Sheriff's Department may take custody of and produce the defendant in state court to face his
5 state charges.

6 Pursuant to the Writ, the Sacramento County Sheriff's Department shall return the defendant to
7 federal custody upon the conclusion of the defendant's state proceedings.

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9 Dated: October 19, 2016

PHILLIP A. TALBERT
Acting United States Attorney

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11 By: /s/ Cameron Desmond
12 CAMERON DESMOND
Assistant United States Attorney

13
14 Dated: October 19, 2016

By: /s/ John E. Virga
JOHN E. VIRGA
Counsel for Defendant
ARMANDO CHRISTOPHER
TABAREZ

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20 **FINDINGS AND ORDER**

21 IT IS SO FOUND AND ORDERED THIS 19th day of October, 2016
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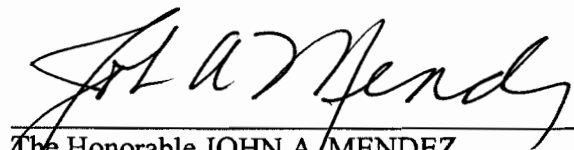
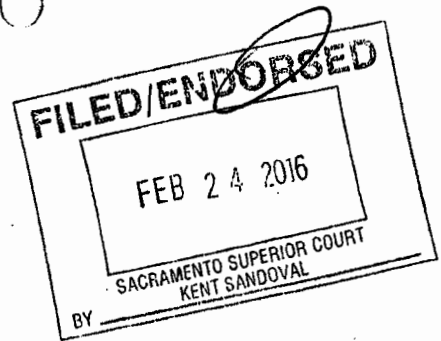
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24 
25 The Honorable JOHN A. MENDEZ
United States District Judge
26
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EXHIBIT A



1 ANNE MARIE SCHUBERT
2 District Attorney
3 Sacramento County
4 MARK OTT, SB 210073
5 Deputy District Attorney
6 901 G Street
7 Sacramento, CA 956314-163563
8 Phone (916) 6374-6637

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

ARMANDO TABAREZ,

Defendants.

NO. 15F05621 DEPT. 63

DECLARATION AND ORDER
FOR WRIT OF HABEUS
CORPUS AD PROSEQUENDUM

Hearing: March 23, 2016
Time: 1:30 p.m.

I, MARK OTT, hereby declare:

- 1) That I am a Deputy District Attorney for the County of Sacramento, State of California.
- 2) That the above-named subject is charged with three (3) counts of violation of Section 245(a)(2) of the Penal Code of the State of California, to wit, a loaded handgun, a serious felony as defined by Section 1192.7 of the California Penal Code.
- 3) That the case is set for appearance on March 23, 2016, at 1:30 p.m. in Department 63 of the above - entitled court after a warrant for the Defendant's arrest has been issued in connection with his criminal complaint and a demand by the Defendant for the initiation of his speedy trial proceedings in this matter was received by this office;
- 4) That the Defendant, ARMANDO TABAREZ (Federal Register Number 07743097), is currently a federal prisoner in the Federal Correctional Institution in Sacramento, California;

- 1 5) That the personal appearance of the above-named federal prisoner at the scheduled court
2 appearance is necessary in order to proceed with the stated charges, commence with
3 preliminary hearing and jury trial in this matter;
- 4
- 5 6) That in order to secure the presence of ARMANDO TABAREZ it is necessary that a Writ
6 of Habeas Corpus Ad Prosequendum be issued commanding the United States Marshal to
7 produce said Defendant in said court on said date and any subsequent dates as directed by
8 the Court in connection with the above matter, Complaint Number 15F05621.
- 9


10 WHEREFORE, your declarant prays for an Order directing the issuance of a Writ of Habeas Corpus
11 Ad Prosequendum out of and under the seal of the Court, directed to said Marshal, Commanding
12 him to have and produce ARMANDO TABAREZ in said Superior Court on the said date and time
13 and, at the termination of these and any subsequent proceedings directed by the Court in this matter,
14 to return said Defendant to the custody of said Marshal.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct.

17 Executed this 18th day of February, 2016 at Sacramento, California

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19 Respectfully Submitted,

20 ANNE MARIE SCHUBERT
21 DISTRICT ATTORNEY

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25 MARK OTT
26 Deputy District Attorney
27 Superior Court Review Unit
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1 ANNE MARIE SCHUBERT
2 District Attorney
3 Sacramento County
4 MARK OTT, SB 210073
5 Deputy District Attorney
6 901 G Street
7 Sacramento, CA 956314-163563
8 Phone (916) 6374-6637

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

ARMANDO TABAREZ,

Defendants.

NO. 15F05621 DEPT. 63

WRIT OF HABEUS CORPUS
AD PROSEQUENDUM

Hearing: March 23, 2016
Time: 1:30 p.m.

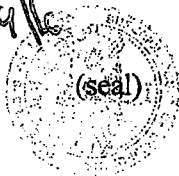
TO THE UNITED STATES MARSHALL AT SACRAMENTO, CALIFORNIA AND TO
THE SHERIFF OF THE COUNTY OF SACRAMENTO:

It appearing to me from the attached Declaration, that ARMANDO TABAREZ, (X-reference Number 1723233; Federal Register Number 07743097) is a prisoner confined in Federal custody at the Federal correctional Institution in Sacramento, California and has been charged in Sacramento county Superior court complaint Number 15F05621 with a violation of Section 245(a)(2) of the Penal Code, to wit, a loaded handgun, a serious felony as defined by Section 1192.7 of the California Penal Code.


I command that you produce and deliver the body of the above-named Defendant now in custody before the Superior Court, Department 63, on the 23rd day of March, 2016, at the hour of 01:30 p.m. And any subsequent dates as directed by the Court in connection with complaint number 15F05621 in that the proceedings against ARMANDO TABAREZ incident to the above - numbered complaint my take place at said time and place.

1 The Sheriff of Sacramento County shall maintain care and custody of the inmate
2 ARMANDO TABAREZ during the pendency of the State proceedings, deliver said inmate to the
3 superior court as aforesaid and to any subsequent court appearance necessary in the prosecution of
4 this matter until the conclusion of the State proceedings. The Sheriff of Sacramento County shall
5 then return the Defendant ARMANDO TABAREZ to Federal custody. Compliance with the above
6 shall be deemed sufficient compliance with this Writ.

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9 DATED: 2/19/16



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JUDGE OF THE SUPERIOR COURT
STATE OF CALIFORNIA